

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

EDDIE JAMES KING,	:	
	:	
Petitioner,	:	
	:	
v.	:	No. 3:18-CV-139-CAR-CHW
	:	
GLEN JOHNSON,	:	
	:	Proceedings under 28 U.S.C. § 2254
Respondent.	:	
_____	:	

ORDER ON REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation [Doc. 17] from United States Magistrate Judge Charles Weigle, recommending that Petitioner Eddie James King's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 [Doc. 1] be dismissed as untimely. Petitioner, proceeding *pro se*, has filed an Objection to the Recommendation [Doc. 18]. Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Petitioner's Objection, has made a *de novo* determination of those parts of the Recommendation to which Petitioner objects, and finds the Objection to be without merit.

As set forth in the Report and Recommendation, Petitioner filed this habeas petition 95 days after the expiration of the one-year limitations period set forth in 28

U.S.C. § 2244(d)(1)(A). Petitioner contends that the limitations period should be tolled because “after direct review Petitioner beg[a]n to prepare for his state habeas and could not focus on anything else but what was before him at the time and that process kept going until it got to the federal stage.”¹ This explanation, however, fails to evidence an “extraordinary circumstance” that “stood in [Petitioner’s] way and prevented timely filing” to allow this Court to equitably toll the limitations period.² Indeed, such explanation does not explain why he waited 252 days after the Georgia Supreme Court issued its remittitur denying state habeas relief to file his habeas petition in this Court.

Accordingly, the Report and Recommendation [Doc. 17] is **ADOPTED** and **MADE THE ORDER OF THIS COURT**, and the Petition for Writ of Habeas Corpus [Doc. 1] is **DISMISSED as untimely**. Additionally, because Petitioner has failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability is **DENIED**.

SO ORDERED, this 28th day of June, 2019.

S/ C. Ashley Royal
C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT

¹ Objection, p. 1 [Doc. 18].

² *Holland v. Florida*, 560 U.S. 631, 649 (2010).